

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk
City Clerk
Time Stamp
2009 JUL -9 AM 11:22

TOTAL BASE BID 146,350.

ALT NO. 1 _____

ALT NO. 2 _____

ALT NO. 3 _____

Alt No. 4 _____

Alt No. 5 _____

BID DATE: Thursday, July 09, 2009

Project Manager: Jose S. Balingit – 535-8350

LAKE CUNNINGHAM REGIONAL SKATE PARK LIGHTING

BIDDER NAME: Bleyco Inc

☒ Bond ☐ Cashier's Check _____

~~Addendums Included ()~~

YES _____ NO _____

☒ NonCollusion Affidavit

YES _____ NO _____

LAKE CUNNINGHAM REGIONAL SKATE PARK LIGHTING

BID DOCUMENTS

BID OPENING

3:00 P.M.

Thursday, July 9, 2009

Bidder: Bley co. Incorporated

LAKE CUNNINGHAM SKATE PARK SPORTS LIGHTING

NOTE TO BIDDERS:
The Bidder's Bond shall be at least 10% of the TOTAL BID AMOUNT.

BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Bleyco Incorporated as PRINCIPAL, and Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of Ten Percent of the Total Amount Bid DOLLARS (\$ 10%).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on JULY 9, 2009 for **LAKE CUNNINGHAM REGIONAL SKATE PARK LIGHTING**.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 1st
day of July, 2009.

PRINCIPAL

SURETY

Bleyco Incorporated
Legal Company Name

Hartford Fire Insurance Company
Legal Company Name

Indicate Type of Entity

By [Signature]
Title: President

By [Signature]
Title: John J. Daley
Attorney-in-Fact

By _____
Title: _____

By _____
Title: _____

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Contra Costa

On 7-01-2009

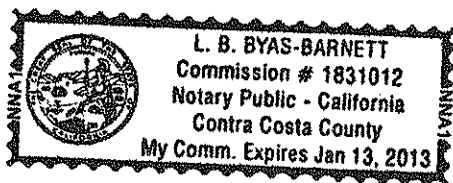
Date

before me, L. B. Byas-Barnett, Notary Public

Here Insert Name and Title of the Officer

personally appeared John J. Daley

Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Signature of Notary Public L. B. Byas-Barnett

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Bid Bond

Document Date: 7-01-2009

Number of Pages: 2

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: John J. Daley,

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☒ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer Is Representing:

Hartford Fire Insurance
Company

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer Is Representing:

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-4

P.O. BOX 2103, 690 ASYLUM AVENUE
HARTFORD, CONNECTICUT 06115

call: 888-266-3488 or fax: 860-757-5835

Agency Code: 57-556107

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- ☒ **Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- ☒ **Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- ☒ **Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut
- ☐ **Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- ☐ **Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- ☐ **Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois
- ☐ **Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana
- ☐ **Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of unlimited:**

John J. Daley, L.B. Barnett, Kenneth J. Goodwin
of
Lafayette, CA

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on January 22, 2004 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Paul A. Bergenholz

Paul A. Bergenholz, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Assistant Vice President

STATE OF CONNECTICUT

ss. Hartford

COUNTY OF HARTFORD

On this 1st day of February, 2004, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Scott E. Paseka

Scott E. Paseka
Notary Public

My Commission Expires October 31, 2012

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of July 01, 2009.

Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Assistant Vice President

PROPOSAL TO CITY OF SAN JOSE

FOR

LAKE CUNNINGHAM REGIONAL SKATE PARK LIGHTING

Name of Bidder: *Bleyco, Inc.*

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on 6/11/09, entitled **LAKE CUNNINGHAM REGIONAL SKATE PARK LIGHTING** and the Specifications approved by the Director of Public Works on 6/11/09, entitled **LAKE CUNNINGHAM REGIONAL SKATE PARK LIGHTING** on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

NONCOLLUSION AFFIDAVIT

Project Title: **LAKE CUNNINGHAM REGIONAL SKATE PARK LIGHTING**, being first duly sworn, deposes and says that he/she is

(print name)

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on 7-7-09

Bleyco, Inc
Legal Company Name

Corporation (Ruth Bley - Pres.)
Indicate Type of Entity: Sole Proprietorship (Chris Borge)
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc. VPres

City Business Lic. No.: _____
Expiration Date: _____
State Contractor Lic. No.: 540588 - CALIFORNIA
Classification: C10, B, A
Expiration Date: 9/30/10
Federal I. D. No.: 943067211
Address: 11425 Cull Canyon Rd
Castro Valley, CA 94552
Telephone: 510-538-5228 FAX: 510-538-5229

By: [Signature]
Title: Ruth Bley, President

NOTARY

On 7/7/09 before me, Renee M. Juarez, Notary Public, personally appeared Ruth Bley - President (Bleyco Inc) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature SEE Attached Acknowledgment
Notary Public (Seal)

Renee M Juarez
Notary Public

ACKNOWLEDGMENT

State of California

County of Alameda

On 7-7-09 before me, Renee M. Juarez - Notary Public

personally appeared Ruth Bley

President of Bleyco, Inc

- non collusion affidavit for Lake Cunningham Skate Park

personally known to me (or proved to me on the basis of satisfactory evidence) to be

the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and

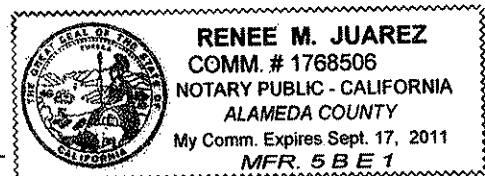
acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized

capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s),

or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Renee M. Juarez



(Seal)

LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

[illegible]

STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

Please See Attached List

BLEYCO INC.

Job List, By School Lighting Projects

All jobs were completed on time & within budget. No stop notices or lawsuits were filed on any job.

Job # Year	NAME OWNER	CITY	ST	ZIP	CONTRACT	Type of Work
101 2001	Stanford Stadium Lgt. Stanford University	Stanford	CA		\$ 83,335.00	Athletic Field Lighting (Musco)
105 2001	Stanford Tennis Court Stanford University		CA		\$223,124.00	Athletic Field Lighting (Musco)
109 2001	Stanford Football Pract.Field Stanford University	Stanford	CA		\$216,241.00	Athletic Field Lighting (Musco)
110 2001	Stanf Womens Fst Pitch #42315 Stanford University	Stanford	CA		\$ 144,530.00	Athletic Field Lighting (Musco)
118 2001	Stanf Trk Stadium #45369 Stanford University	Stanford	CA		\$436,412.00	Athletic Field Lighting (Musco)
206 2002	Stanford Encina Tennis Stanford University		CA		\$357,116.00	Athletic Field Lighting (Musco)
315 2003	Clayton Valley High School Mt. Diablo Unified School Dist 1101 Alberta Way	Concord	CA	-94521	\$ 49,000.00	Athletic Field Lighting (Musco)
411 2004	Sir Franc Drk H.S. VCLD#104358 Tamalpais Union High School Ds 1327 Sir Francis Drake Blvd. (415) 864-1439	San Anselmo		-94960	\$ 73,699.00	Athletic Field Lighting (Musco)
427 2004	Seaside High School Football Monterey Peninsula USD 2200 Noche Buena St. PO 90732 (831) 392-3910 (831) 899-9043	Seaside	CA	-93955	\$ 53,500.00	Athletic Field Lighting (Musco)
433 2004	Santa Clara Univ Baseball Santa Clara University PO # 63796 (800) 756-1205	Santa Clara	CA		\$ 62,000.00	Athletic Field Lighting (Musco)
504 2005	St. Francis HS - Mt. View Saint Francis High School	Mountain View	CA		\$ 43,578.00	Athletic Field Lighting (Musco)
509 2005	Corbus Field Ltg. P.O.#060999 Vallejo City Unified Schl.Dist Vallejo High School (707) 556-8921 (707) 649-3906	Vallejo	CA	-94590	\$468,500.00	Athletic Field Lighting (Musco)
517 2005	Half Moon Bay High School Half Moon Bay High School Boys&Girls Club /Coastside (650) 712-7200 (650) 712-7232	Half Moon Bay	Bay	-94019	\$266,600.00	Athletic Field Lighting (Musco)
604 2006	Laney College Athletic Peralta Community College Dist Field Upgrade Phase 1C	Oakland	CA	-94607	\$415,198.00	Athletic Field Lighting (Musco)

Job # Year	NAME OWNER	CITY	ST	ZIP	CONTRACT	Type of Work
	(510) 658-7225					
610 2006	Dublin High School Dublin Unified School Distric. 8151 Village Parkway (650) 952-7333 (650) 952-6851	Dublin	CA	-94568	\$516,975.00	Athletic Field Lighting (Musco)
613 2006	Gunn High School GL-2 Palo Alto Unified School Dist 780 Arastradero Rd (650) 444-4928	Palo Alto	CA	-94306	\$206,355.00	Athletic Field Lighting (Musco)
616 2006	Concord High School Mt. Diablo Unified School Dist 4200 Concord Blvd. (925) 825-7440	Concord	CA	-94521	\$431,800.00	Athletic Field Lighting (Musco)
617 2006	Seaside Highschool Phase II Monterey Peninsula Unified 2200 Noche Buena Street		CA		\$ 33,566.00	Athletic Field Lighting (Musco)
627 2006	Evergreen Valley College T/C SJ/Evergreen Valley College 3095 Yerba Buena Rd	San Jose	CA		\$374,736.00	Athletic Field Lighting (Musco)
706 2007	Stanford Rugby/Field Hockey Stanford University	Stanford	CA		\$ 80,000.00	Athletic Field Lighting (Musco)
712 2008	James Lick High School East Side Union High School Di 57 North White Road (408) 347-5538	San Jose	CA	-95127	\$673,332.00	Athletic Field Lighting (Musco)
713 2008	Football Bowl Lighting 0701blt Campbell Union High School Dis Branham, DelMar, Prospect	San Jose	CA		\$972,003.00	Athletic Field Lighting (Musco)
728 2008	Buckshaw Field Santa Clara University	Santa Clara	CA		\$281,000.00	Athletic Field Lighting (Musco)
725 2008	UC Davis Football UC Davis Don Brown 530-752-3547	Davis	CA		\$198,270.00	Athletic Field Lighting (Musco)
811 2008	Memorial Stadium Beales Alliance Chris Chisam 916-290-5993	Napa	CA		\$346,134.00	Athletic Field Lighting (Musco)